

Quick Guide to



THE FOOD SAFETY MODERNIZATION ACT (FSMA)

The Food and Drug Administration (FDA) Food Safety Modernization Act (FSMA) was signed into law on January 4, 2011. It aims to improve public health across the country by enabling FDA to focus more on preventing – rather than reacting to – food safety problems. Key authorities and mandates from the Act that impact producers and processors include:



Prevention

- Mandatory written food safety plans to control hazards for food facilities
- Mandatory minimum standards for the safe production and harvesting of fruits and vegetables, established by FDA

FDA vs. USDA

FDA: Sets regulatory standards for food safety in growing, processing, transportation, labeling, and retail handling of all foods.

USDA: Sets regulatory standards for food safety in production, processing, and labeling of meat, poultry, and eggs.

Inspection and Compliance

- Increased frequency of facility inspections by FDA
- FDA access to records, including industry food safety plans and documentation of implementation of these plans
- Food testing by accredited laboratories that meet high-quality standards

Response to Food Borne Outbreak

- Authority of FDA to issue a mandatory recall when a company refuses to voluntarily recall unsafe food
- More flexibility for FDA in detaining food products that potentially violate the law
- Authority of FDA to suspend registration of a facility that poses a reasonable probability of serious health consequences or death
- Establishment of a system to enhance FDA's ability to track and trace foods
- Establishment of recordkeeping requirements for facilities that handle high-risk foods



In addition, the Act gives FDA authority to better ensure the safety of imported food products, and it establishes a much-needed system of collaboration between government agencies, both domestic and foreign, to work toward achieving public health goals around food safety.

Exemptions for Small Farmers Selling Locally

- FDA may exempt small farms engaged in low risk activities from new regulatory requirements, or they may modify specific requirements for these farming operations
- FDA must provide regulatory flexibility to accommodate all sizes and types of facilities
- FDA will only require farms to keep records going one step forward (to their buyers) and one step back in the case of farms that sell co-mingled products (to their suppliers)
- Farmers who direct market over 50% of their product at the farm or at another retail location may not have to register with FDA
- A less costly alternative to the food safety plans for food facilities, along with alternative safe production standards for produce, will be available for small farmers selling locally

For More Information on the Food Safety Modernization Act

National Sustainable Agriculture Coalition's *Food Safety Frequently Asked Questions*, June 13, 2011.
www.sustainableagriculture.net/wp-content/uploads/2011/06/NSAC-Food-Safety-FAQ-June-2011.pdf

New England Farmers Union's *The Food Safety Modernization Act*
www.newenglandfarmersunion.org/pdfs_docs/FoodSafety.pdf

USDA Background on the FDA Food Safety Modernization Act
www.fda.gov/Food/FoodSafety/FSMA/ucm239907.htm



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